

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ROBIN JOHNSON,	:	Case No. 1:07CV2029
	:	
	:	
Plaintiff,	:	
	:	JUDGE KATHLEEN M. O'MALLEY
v.	:	
	:	
COMMISSIONER OF SOCIAL SECURITY,	:	<u>ORDER</u>
	:	
	:	
Defendant.	:	

The Commissioner of Social Security denied social security benefits to the Claimant, Robin Johnson (“Johnson”), in the above-captioned case. Johnson sought judicial review of the Commissioner’s decision, and this Court referred the case to Magistrate Judge William H. Baughman, Jr. for preparation of a Report and Recommendation (“R&R”) pursuant to Local Rule 72.2(b)(1) and 28 U.S.C. § 636(b)(1)(B). Both parties filed briefs in support of their respective positions. (ECF Docs. 14 and 15.) In addition, telephonic oral argument was held on July 23, 2008. (ECF Doc. 17.) The Magistrate Judge then submitted his R&R on August 12, 2008, recommending that the Court vacate the Administrative Law Judge’s (“ALJ”) decision and remand for “reconsideration of the residual functional capacity finding as to mental limitations.” (ECF Doc. 18 at 2.) Johnson did not object to the Magistrate Judge’s R&R, and the Defendant filed a response to the R&R specifically stating that he would not object to the R&R. (ECF Doc. 19.)

The Court has reviewed the Magistrate Judge’s R&R, *de novo*. The Court agrees with the Magistrate Judge’s conclusions – most importantly, that, although the ALJ fully and fairly evaluated the evidence of disabling pain, “he did not include sufficient mental limitations in the residual functional capacity finding.” (*See* ECF Doc. 18 at 2.) Because neither party has objected to the

Magistrate Judge's well-reasoned R&R, further explanation of the Court's reasoning is not required. *Tuggle v. Seabold*, 806 F.2d 87, 92-93 (6th Cir. 1986).

Accordingly, the Court **ADOPTS** the Magistrate Judge's R&R, thus **REVERSING** the Commissioner of Social Security's decision and **REMANDING** the case for further proceedings not inconsistent with this opinion.

IT IS SO ORDERED.

Date: August __, 2008

s/Kathleen M. O'Malley
KATHLEEN MCDONALD O'MALLEY
UNITED STATES DISTRICT JUDGE